

9274

VOLUNTARY AGREEMENT

THIS AGREEMENT, has been made this 14th day of January 1999, by and between 3124 CORPORATION, t/a Good Guys (hereinafter referred to as "Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3B (hereinafter referred to as "the Commission"):

WHEREAS, Applicant's application for renewal of its Class "C/N" Retailer's License at its premises at 2311 Wisconsin Avenue, N.W. is pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter referred to as "the Board"):

WHEREAS, the Commission, if it were disposed to do so, would have the opportunity to file a timely protest against the renewal of Applicant's license;

WHEREAS, Applicant and the Commission have resolved previous protests by entering into voluntary agreements and believe that it is in their mutual interest to continue in effect the existing voluntary agreement, subject to modifications;

NOW, THEREFORE, Applicant and the Commission set forth their mutual agreement, as follows:

1. The Commission will not protest Applicant's renewal application.

2. Applicant will operate the licensed premises in the following manner:

A. Applicant will employ an off-duty police officer or uniformed security officer at the premises from 9 P.M. to closing, each Wednesday, Thursday, Friday, and Saturday.

B. On each business day, from 9 P.M. to closing, an employee of Applicant's establishment will periodically patrol the sidewalk in front of its premises, Observatory Lane, and the alley at the rear of its premises.

C. Applicant will exert every reasonable effort (within the limits of its authority) to prevent its patrons from (1) loitering outside its premises, (2) engaging in rowdy or noisy behavior, vandalism or the harassment of other persons within 100 feet of the premises, and (3) operating motor cycles in an unnecessarily noisy manner when arriving at or leaving the premises. This obligation is not intended to make Applicant absolutely liable for any injury or damage occurring within the area covered.

D. Applicant will not display any words, advertisement, notice, picture, or drawing of any kind (except the name "Good Guys" and any signs required by law) on the exterior walls, doors, or roof of its premises which indicate the type of entertainment offered.

E. Applicant will exert reasonable efforts to assure that sound emanating from the interior of its premises cannot be heard on the sidewalk in front when the door is closed.

F. Applicant will not serve alcoholic beverages to any person who appears intoxicated or who is known to be likely to become disorderly when intoxicated.

G. On each business day after closing, an employee of Applicant's establishment will check to make sure that all of Applicant's refuse has been properly stowed in the containers provided by its refuse-hauling service.

3. Applicant will meet with the Commission or the Glover Park Citizens Association, upon their request, to discuss whether the operating practices prescribed in Paragraph 2 above are adequately protecting community interests and to consider suggestions for modification. The Commission agrees to meet with Applicant at its request to consider its suggested modification of the operating practices and to invite the community organizations to attend any such meeting.

IN WITNESS WHEREOF, the parties have affixed hereunto the signatures of their authorized officers this 14th day of January 1999.

Advisory Neighborhood Commission 3B:

Joni A. Ritzenberg
Chairperson

Applicant:

3124 Corporation
by its President,

Ben Zanganeh

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

3124 Corporation

t/a Good Guys Restaurant

Application for a Retailer's Class

CN License (renewal)

at premises

2311 Wisconsin Avenue, N.W.

Washington, D.C.

Application No. 9276

2003-22

Milton J. Grossman, Esquire, on behalf of the Advisory Neighborhood Commission 2B,
Protestant

Ben Zanganeh, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member

Charles Burger, Member

Laurie Collins, Member

Judy Moy, Member

Ellen Oppenheimer, Esquire, Member

Audrey Thompson, Member

ORDER ON AMENDED VOLUNTARY AGREEMENT

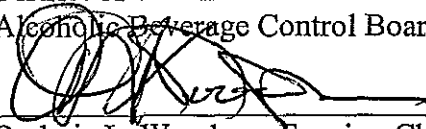
This matter came before the Board for approval on January 15, 2003. The signatories to the attached amended voluntary agreement dated November 15, 2002, 2002, submitted the agreement to the Board in accordance with the D.C. Official Code Section 446 (2000 Edition). The parties have amended paragraph 2(A) of the agreement dated January 14, 1999, to read as follows:

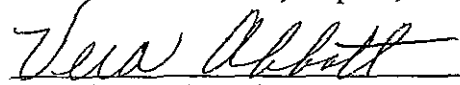
2(A): From 9 p.m. to closing, each Wednesday, Thursday, Friday, and Saturday. Applicant will deploy a third employee on its premises (in addition to the two doormen) whose primary responsibility will be to assist in the maintenance of peace and good order in the premises and adherence to all the requirements of the statute, regulations, and license conditions.

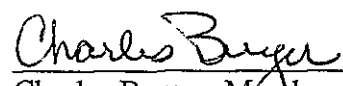
3124 Corporation
t/a Good Guys
Application No. 9276
2003-22

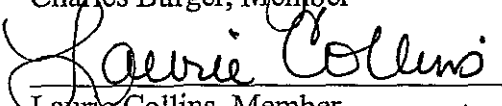
Having determined that the amended agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 19th day of March 2003, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement dated January 14, 1999, as amended on November 15, 2002 and does hereby **INCORPORATE** the text of the same into the Order.

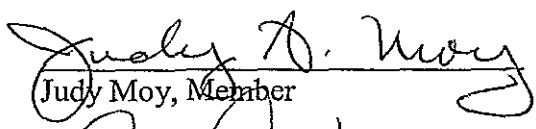
District of Columbia
Alcoholic Beverage Control Board

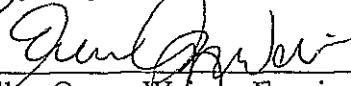

Roderic L. Woodson, Esquire, Chair

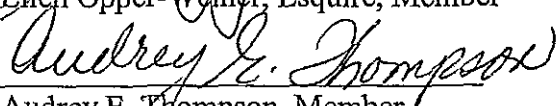

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member

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VOLUNTARY AGREEMENT

THIS AGREEMENT, made this 30 day of November, 1995, by and between 3124 CORPORATION, t/a Good Guys (hereinafter referred to as Applicant), and ADVISORY NEIGHBORHOOD COMMISSION 3B (hereinafter referred to as Protestant):

WHEREAS, Applicant's application for renewal of its Class "C/N" Retailer's License at its premises 2311 Wisconsin Avenue, N.W. (Case No. 29673-95010P) is pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter referred as the Board);

WHEREAS, Protestant has filed a timely protest, and on July 12, 1995, a hearing was held before the Alcoholic Beverage Control Board of the District of Columbia;

WHEREAS, the Applicant and Protestant, mutually desiring to resolve said protest, have explored possible solutions;

NOW, THEREFORE, Applicant and Protestant set forth their mutual agreement as follows:

1. Protestant hereby agrees to withdraw its protest against the renewal of the license.

2. Applicant agrees that, until the expiration of its Class C/N license, it will operate its premises in the following manner:

A. Applicant will employ a uniformed security officer to maintain order at the premises from 9 P.M. to closing, each Wednesday, Thursday, Friday and Saturday.

B. On each business day, from 9 P.M. to closing, an employee of Applicant's establishment will periodically patrol the sidewalk in front of its premises, Lovers Lane, and the parking lot at the rear of the premises.

C. Applicant will exert every reasonable effort (within the limits of its authority) to prevent its patrons from loitering outside its premises and from engaging in rowdy or noisy behavior, vandalism or the harassment of other persons, within 100 feet of the premises. This obligation is not intended to make Applicant absolutely liable for any injury or damage occurring within the area covered.

D. Applicant will not display any words, advertisement, notice, picture, or drawing of any kind (except the name "Good Guys" and any signs required by law) on the exterior walls, doors, or roof of its premises which indicate the type of entertainment offered.

E. Applicant will exert reasonable efforts to assure that sound emanating from the interior of the premises cannot be heard on the sidewalk in front when the door is closed.

F. Applicant will not serve alcoholic beverages to any person who appears intoxicated or who is known to be likely to become disorderly when intoxicated.

3. Applicant recognizes that it would be desirable to have lighting in the rear parking lot used by its patrons, and it will exert every reasonable effort to persuade the persons responsible for that lot to install suitable lighting.

4. Applicant will use its best efforts to ensure that its employees do not park in the parking lot of the Guy Mason Center, 3600 Calvert Street, N.W.

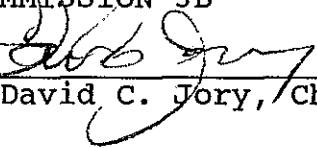
5. Applicant will meet with Protestant or with the Glover Park Citizens Association upon their request to discuss whether the operating practices prescribed in Paragraph 2 above are adequately protecting community interests and to consider reasonable or practical suggestions for modification. Protestant agrees to meet with Applicant at its request to consider its suggested reasonable or practical modification of the operating practices and to invite the community organizations to attend any such meeting.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

PROTESTANT:

ADVISORY NEIGHBORHOOD
COMMISSION 3B

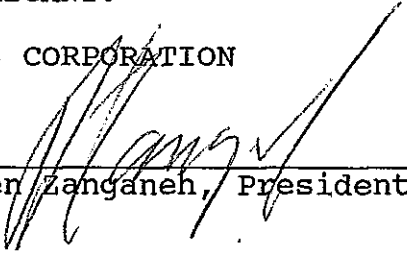
By


David C. Jory, Chairman

APPLICANT:

3124 CORPORATION

By


Ben Zanganeh, President

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

3124 Corporation
t/a Good Guys
Application for a Retailer's
License Class CN - renewal
at premises
2311 Wisconsin Avenue, N.W.
Washington, D.C.

9276
Case No. ~~2311~~-95010P

David C. Jory, Chair, on behalf of the Advisory Neighborhood Commission
3B, Protestant

Dimitri P. Mallios, Esquire, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson;
DENNIS BASS, Member;
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on November 2, 1994, in accordance with D.C. Code 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. David C. Jory, Chair, on behalf of the Advisory Neighborhood Commission 3B, filed a timely protest letter.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Accordingly, it is this 28 day of February 1996,
ORDERED that:

1. The protest of David C. Jory, Chair, on behalf of the Advisory Neighborhood Commission 3B, be, and the same hereby, is **WITHDRAWN**;

1/ See Agreement dated November 30, 1995.


3124 Corporation
t/a Good Guys
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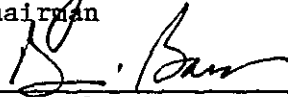
2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;

3. The application of 3124 Corporation t/a Good Guys for a retailer's license class CN - renewal, at location 2311 Wisconsin Avenue, N.W., be, and the same hereby is GRANTED; and,


4. Copies of this Order shall be sent to the Protestant and the Applicant.


DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


Mary Eva Candon, Esquire
Chairman


Dennis Bass
Member

James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member


Barbara L. Smith, Esquire
Member